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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,352	12/30/2003	Martin Finnerty	SBL0029US	7797
60/975 7590 05/10/2010 CAMPBELL STEPHENSON LLP 11401 CENTURY OAKS TERRACE BLDG. H, SUITE 250 AUSTIN, TX 78758				
EXAMINER LEE, CHUN KUAN				
ART UNIT 2181		PAPER NUMBER		
MAIL DATE 05/10/2010		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/748,352

**Applicant(s)**

FINNERTY ET AL.

**Examiner**

Chun-Kuan Lee

**Art Unit**

2181

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED

19 April 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
b) ☐ They raise the issue of new matter (see NOTE below);  
c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-5,7-12,14-19,21-33,35,36 and 40-45.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
Please see the Continuation Sheet below.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Chun-Kuan Lee/  
Examiner, Art Unit 2181

As the amendments for said instant application is treated as a single documentation, and the amendments to the claim 45 would need further search and/or consideration; the amendments for both claim 42 and 45 will not be entered.

In response to applicant's arguments (on page 16-17) with regard to the independent claim 1 rejected under 35 U.S.C. 103(a) that the combination of the references does not teach/suggest the claimed feature "at least two device among a plurality of devices ... are configured to provide the requested service" because the examiner incorrectly characterize Toda's printer element 31 and scanner element 32; first of all, Toda's printer element and scanner element would not provide the same service of printing as characterized in the office action; second of all, a copy service is unable to be provided by either the printer element or the scanner element as neither printer element or scanner element is a copier; and finally, the final office action take the position that the word "provide" could be understood to mean "provide at least a portion of" as the final office action appear to read applicant's claim as "at least two device among the plurality of device are configured to provide a least a portion of the requested service" as Toda's printer provide a portion of a copy service and Toda's scanner provide a portion of the copy service, which is inconsistent with the actual wording of the claim; applicant's arguments have fully been considered, but are not found to be persuasive.

The examiner respectfully disagrees, because first of all, as previously presented and also discussed in applicant's arguments, Toda does teach at least two devices (e.g. printer element 31 and scanner element 32) among the plurality of devices ... are configured to provide the requested copy service; wherein Toda's multifunctional peripheral apparatus receives the copy command and forward the corresponding requests to the printer element and scanner elements to provide the requested copy service; as the document to be copied is scanned and then printed.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., device providing the entire requested service) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As applicant is applying the above arguments for independent claim 1 towards independent claims 9, 16, and 23; the examiner will also apply the above response towards the independent claims 9, 16, and 23.

In response to applicant's arguments (on page 17) with regard to the independent claim 1 rejected under 35 U.S.C. 103(a) that the combination of the references does not teach/suggest the claimed feature "each of the plurality of devices is configured to provide a corresponding service" because Toda teaching merely used only for a portion of a service; applicant's arguments have fully been considered, but are not found to be persuasive.

The examiner respectfully disagrees, because Toda's printing element is configured to provide a corresponding printing service and Toda's scanner element is configured to provide a corresponding scanning service.

As applicant is applying the above arguments for independent claim 1 towards independent claims 9, 16, and 23; the examiner will also apply the above response towards the independent claims 9, 16, and 23.

In response to applicant's arguments (on page 18) with regard to the dependent claim 43 rejected under 35 U.S.C. 103(a) that the combination of the references does not teach/suggest the claimed feature "the first device is produced by a first vendor ... the second device is produced by a second vendor ... the second vendor is distinct from the first vendor ..." because Toda's elements are combined in single multifunction peripheral apparatus (MFP) 2; applicant's arguments have fully been considered, but are not found to be persuasive.

The examiner respectfully disagrees, and as explained in detail in the examiner's preceding final office action, the above feature corresponding to connecting and utilizing devices of different vendors having different APIs which is enabled by the functionality of utilizing markup language, wherein first request conforming to the markup language is forwarded and then converted to the corresponding device-specific native language that is understood by the corresponding device; and considering that it is well known to connect and utilize devices by different vendors on the LAN to communicate with the requesting computer via markup language; therefore, the resulting combination of the references teaches the multifunctional apparatus having the plurality of devices connected to the requesting computer over the LAN and communicating via the markup language, and that the markup language request received by the multifunctional apparatus from the requesting computer is converted from the markup language to the device specific language before being forwarded to the corresponding device, it would have been obvious for the multifunctional apparatus' devices to be manufactured by different vendors having corresponding APIs, as communication between the requesting computer and the multifunctional apparatus' devices is enabled by the markup language and the corresponding language conversion (i.e. the use of the markup language and the corresponding language conversion from the markup language to the device specific language is functional equivalent to the core novelty of applicant's invention for language conversion); additionally, in accordance to the interview dated 09/08/2009, the resulting combination of the references is further clarified to be functional equivalent to the novel device manager for receiving the markup language request and converting it to the appropriate language utilized by the device, therefore, it would have been obvious for the multifunctional device to have the devices by different vendors, wherein communication between the requesting computer and the devices is enabled by the references' language conversion functionality.

In response to applicant's arguments (on pages 18-19) with regard to the dependent claim 42 rejected under 35 U.S.C. 103(a) that the combination of the references does not teach/suggest the claimed feature "the second device is configured to receive requests only in a format that is incompatible with the request format defined in the second language" because Toda does not disclose these printer element can provide a copy service in response to a request while the scanner element is incompatible with a format of that request; applicant's arguments have fully been considered, but are not found to be persuasive.

The examiner respectfully disagrees, because explained above, Toda's multifunctional peripheral apparatus receives the copy command and forward the corresponding requests to the printer element and scanner elements to provide the requested copy service, wherein the request to the printer element is different/incompatible to the request to the scanner element for accomplishing the copy request.

Applicant's amendments to claim 45 made on 04/19/2010 changes what the claim originally encompassed such that the examiner would need to perform a further search and/or consideration.

In responding to all applicant's arguments, the examiner will maintain his position and the current rejection of record.